



DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the General Counsel
General Law Division/General Law Division
Claims Office
330 C Street, S.W.
Switzer Building, Suite 2100
Washington, D.C. 20201

Date:

NOV 27 2018

U. S. MAIL CERTIFIED - RETURN RECEIPT REQUESTED

(Article No. 7019 1120 0001 7113 8394)

Shenan R. Atcitty, Esq.
Atcitty & Van Norman Law Professor, LLC
14913 Finegan Farm Dr.
Darnestown, MD 20874

Re: **Administrative Tort Claim of Charles J. Atcitty**, Claim No. 2018-0549

Dear Ms. Atcitty:

On July 9, 2018, on behalf of your client, Charles J. Atcitty, you filed an administrative tort claim under the Federal Tort Claims Act ("FTCA"), 28 U.S.C. §§ 1346(a), 2401(b), 2671-80, alleging, *inter alia*, that, in July, August and September 2016, Dr. Jose M. Barrega, Dr. Jon A. Ossen, Dr. Sandra Merion Navarro and Dr. Noelle Wolff, employees of Kayenta Health Center, located in Kayenta, Arizona, failed to diagnose and treat Mr. Atcitty for internal infections, spinal illness, and kidney and heart conditions, causing permanent injury and loss.

The FTCA authorizes the settlement of any claim of money damages against the United States for, *inter alia*, injury or death caused by the negligent, or wrongful, act or omission of any employees of the Federal Government, while acting within the scope of employment. Under the FTCA, said act or omission must be such that the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred. 28 U.S.C. § 2672.

This letter constitutes the notice of final determination of your client's administrative tort claim, as required by 28 U.S.C. §§ 2401(b), 2675(a). The administrative tort claim of Charles J. Atcitty is denied.

If your client is dissatisfied with this determination, he is entitled to:

1. file a written request with the Agency for reconsideration of the final determination denying the claim within six (6) months from the date of mailing of this determination (28 C.F.R. § 14.9); or

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2. file suit against the United States in the appropriate federal district court within six (6) months from the date of mailing of this determination (28 U.S.C. § 2401(b)).

In the event your client requests reconsideration, the Agency will review the claim within six (6) months from the date the request is received. If the reconsidered claim is denied, your client may file suit within six (6) months from the date of mailing of the final determination.

Sincerely,

Jennifer B. Smith (by jca)

Jennifer B. Smith
Acting Deputy Associate General Counsel

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